



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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May 21, 2021

Green Ridge Recycling and Disposal Facility, LLC
Attn: Jerry Cifor
12230 Deergrove Road
Midlothian, VA 23112

VIA EMAIL: jerry.cifor@myfairpoint.net
Return Receipt Requested

RE: Joint Permit Application Number 20-1619
Green Ridge Recycling and Disposal Facility, Cumberland County, Virginia
Additional Information Request Letter

Dear Mr. Cifor:

The Virginia Department of Environmental Quality (DEQ) received your application for the above-referenced project on September 2, 2020 and additional information materials received on May 7, 2021. DEQ finds that your project qualifies for authorization under the Virginia Water Protection (VWP) Permit in accordance with 9 VAC 25-210-10 et seq; however, the following information is required to complete your application under the VWP Permit Program.

1. In accordance with 9 VAC 25-210-80 B 1.d, please provide a schedule for when impacts will be taken with the various phases. Please include a legend to define the colors used on the provided figure.
2. In accordance with 9 VAC 25-210-80 B 1.f, please provide a project purpose that is clear, succinct, and specific.
3. In accordance with 9 VAC 25-210-80 B 1.g, please elaborate on the evaluation of the off-site properties.

The project appears to have provided the list of suitability criteria, but did not appear to use the criteria in the discussion of the alternatives. Please ensure the criteria directly relates to the project purpose and need and is consistently evaluated for all properties. Please include potential surface water impacts in your evaluation for each property.

For the list of criteria for site suitability, please provide more information on the selection metrics:

What are the 32 localities that were contacted regarding this project and what was their response? Please provide more information for how the applicant determined that Buckingham or Prince Edward counties were not suitable for this project despite their willingness to host.

What does “adequate economic requirements” mean to the project?

What does the ability to be serviced by a major transportation network to allow efficient access to the site mean to the project?

What does it mean to minimize disruption to secondary road traffic and citizens?

What does it mean to have sufficient property for the project?

What resources from a site does the project need for landfill development and operations?

What does it mean to reduce the loss of productive agricultural or developable commercial or residential land? How is this metric related to this project?

How did the project evaluate potential impacts to natural resources on the evaluated sites? What are the potential impacts to natural resources on the evaluated sites? What are the potential surface water impacts of the other alternatives?

How did the project evaluate potential impacts to cultural resources on the evaluated sites? What are the potential impacts to cultural resources on the evaluated sites?

How did the project evaluate potential impacts to residents of the County on the evaluated sites? What are the potential impacts to residents of the County on the evaluated sites?

How did the project evaluate the amount of protection to human health and the environment afforded by the evaluated sites?

For this analysis, please state whether or not the evaluated site either meets or does not meet the site selection criteria. If it does not meet, please state why it does not meet. Please do not use scoring or superlatives.

If the need of this project, as stated, is to service central and southwest Virginia, why is the project located in Cumberland County and is using proximity to the east as a site selection criterion? The project indicates 80% of traffic coming to the landfill will be coming from the east. This seems to contradict your stated purpose. Please explain this discrepancy.

If other regulatory driven metrics were used to site the project, please include these in the evaluation of the properties.

4. In accordance with 9 VAC 25-210-80 B 1.h, please confirm the project impacts and ensure the application accurately and consistently reports the proposed surface water impacts.

Please ensure that all names and impact information match impact drawings and compensatory mitigation plans.

5. In accordance with 9 VAC 25-210-80 B 1.h, please indicate whether all utility impacts and stormwater infrastructure impacts have been accounted for with this proposed plan. Please indicate whether all impacts associated with security for the site have been accounted for by the proposed plan.

How do the borrow areas impact the drainage areas that support the residual resources? Have all secondary impacts associated with the borrow areas been accounted for by the project?

DEQ previously requested information related to potential secondary impact by stating the following, "It appears that the surface waters downstream of "Stream Reach 2", "Stream Reach 5", "Stream Reach 6", "Stream Reach 7", "Stream Reach 9", and "RR3" will be secondarily impacted by the redirection of surface water away from these areas. Please demonstrate how hydrology will be maintained downstream of these impacts. If hydrology cannot be maintained, please provide a justification for the impact, how the project has avoided and minimized the impact, and provide a compensatory mitigation plan for these impacts." Based on the response to this item, it appears that the stormwater infrastructure has not been updated on the impact map. Please provide this information in order for DEQ to review the response.

6. In accordance with 9 VAC 25-210-80 B 1.h(4), please provide a copy of the approved jurisdictional determination when available, or when unavailable, (i) the preliminary jurisdictional determination from the U.S. Army Corps of Engineers (USACE), U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), or DEQ or (ii) other correspondence from the USACE, NRCS, or DEQ indicating approval of the boundary of applicable jurisdictional surface waters, **including wetlands data sheets** if applicable.
7. Please update the detail sheets to ensure they contain all of the impact information shown on those pages.

Please provide a legend on the map so that all of the included features can be identified.

It appears that Impacts 2.2, 3.2, 5.2, 9.1 reference more than one distinct stream bed impact. Please revise the impact descriptors so that distinct stream reaches are uniquely

identified. This is necessary because each of these reaches will be evaluated by a separate USM form.

It appears that grading is proposed north of impact 2.1 in a stream bed that is not identified as an impact. Please ensure that all impacts associated with the project have been identified and are included in your submittal.

Please include a description of the colors used in the legend. The legend on page C.1.3 appears to have an inconsistent application of the label for impact 3.2.

It doesn't appear that the impact map and E&SC plans match. During our review we noticed that EW3 crosses a stream twice on the E&SC plans, but just once on the impact map. Please ensure the impact map accurately depicts the most up to date project information and that proposed project impacts are updated if the project is refined.

In accordance with 9 VAC 25-210-80 B.1.i, please ensure that plan view drawings are updated based on comments made above.

Please ensure that all proposed contours are shown.

Please ensure the limits of proposed surface water impacts are clearly depicted.

Please ensure the location of all existing and **proposed infrastructure is shown, including stormwater infrastructure, road culverts, and borrow areas.**

Please ensure the entire project area, including any off site utility corridors, is shown on the map.

Please ensure the limits of any area under a protective instrument are shown.

8. In accordance with 9 VAC 25-210-80 B.1.j, please provide cross-sectional and profile drawing or drawings. Cross-sectional drawing or drawings of **each proposed impact area** includes at a minimum a graphic scale, existing structures, existing and proposed elevations, limits of surface water areas, ebb and flood or direction of flow (if applicable), ordinary high water mark in nontidal areas, tidal wetland boundary, mean low water and mean high water lines in tidal areas, impact limits, and location of all existing and **proposed structures**. Profile drawing or drawings with this information may be required on a case-by-case basis to demonstrate minimization of impacts. Any application that proposes piping or culverting stream flows shall provide a longitudinal profile of the pipe or culvert position and stream bed thalweg, or shall provide spot elevations of the stream thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of the proposed impact.

Please just provide the cross sectional drawings for the proposed impacts and please label them. It is not necessary to provide cross sectional drawings for areas of the project that are not proposed surface water impacts.

9. The scores presented on the submitted USM forms do not appear to be justified by the description and photos provided. DEQ would like to schedule a site visit to evaluate the scores for the project. In accordance with 9 VAC 25-210-80 B.1.m, please provide more

information to justify the assigned USM scores. Please update the compensatory mitigation plan to reflect any changes made in response to comments above.

10. Permittee responsible mitigation may be ecologically preferable to purchasing stream credits based on the information provided. In accordance with 9 VAC 25-210-80 B.1.m, please provide a narrative describing how the permittee responsible mitigation (PRM) site achieves no net loss of stream functions and water quality benefits. Currently, the PRM Table 1 "Project Impact Summary" proposes to provide insufficient stream credits.

Please provide the information described in 9 VAC 25-210-116 B.1 which is as follows: "An analysis shall be required to justify that permittee-responsible compensatory mitigation is ecologically and environmentally preferable to the purchase of mitigation bank credits or in-lieu fee program credits, if such credits are available in sufficient quantity for the project at the projected time of need. The analysis shall address the ability of the permittee-responsible compensatory mitigation sites to replace lost wetland acreage and functions or lost stream functions and water quality benefits. The analysis comparing the impacted and compensation sites may use a method that assesses water quality or habitat metrics, such as that required by [9VAC25-210-80 C](#), or a method that assesses such criteria as water quality benefits, distance from impacts, hydrologic source and regime, watershed, vegetation type, soils, constructability, timing of compensation versus impact, property acquisition, and cost."

11. If the project would like to pursue the PRM site and can satisfactorily provide the information requested above, in accordance with 9 VAC 25-210-80 B.1.m (2) & (3), please ensure the plan includes the following:
 - (2) If permittee-responsible compensation is proposed for stream impacts, a conceptual stream compensatory mitigation plan shall be submitted in order for an application to be deemed complete and shall include at a minimum (i) the goals and objectives in terms of water quality benefits and replacement of stream functions; (ii) a detailed location map including the latitude and longitude to the nearest second and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, at the center of the site; (iii) a description of the surrounding land use; (iv) the proposed stream segment restoration locations including plan view and cross-section drawings; (v) the stream deficiencies that need to be addressed; (vi) data obtained from a DEQ-approved, stream impact assessment methodology such as the Unified Stream Methodology; (vii) the proposed restoration measures to be employed including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme; (viii) reference stream data, if available; (ix) inclusion of buffer areas; (x) schedule for restoration activities; and (xi) measures for the control of undesirable species.
 - (3) For any permittee-responsible compensatory mitigation, the conceptual compensatory mitigation plan shall also include a draft of the intended protective mechanism or mechanisms, in accordance with [9VAC25-210-116 B 2](#), such as, but not limited to, a **conservation easement (This is DEQ's preference)** held by

a third party in accordance with the Virginia Conservation Easement Act (§ [10.1-1009](#) et seq. of the Code of Virginia) or the Virginia Open-Space Land Act (§ [10.1-1700](#) et seq. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument. The draft intended protective mechanism shall contain the information in subdivisions (a), (b), and (c) of this subdivision B 1 m (3) or in lieu thereof shall describe the intended protective mechanism or mechanisms that contain or contains the information required as follows:

- (a) A provision for access to the site;
- (b) The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan; and
- (c) A long-term management plan that identifies a long-term steward and adequate financial assurances for long-term management in accordance with the current standard for mitigation banks and in-lieu fee program sites, except that financial assurances will not be necessary for permittee-responsible compensation provided by government agencies on government property. If approved by DEQ, permittee-responsible compensation on government property and long-term protection may be provided through federal facility management plans, integrated natural resources management plans, or other alternate management plans submitted by a government agency or public authority.

Please provide enough information in order for DEQ to verify the amount of proposed credits that are to be generated by the conceptual mitigation plan. This will include more detail where and how structures will be implemented, clearly defining buffer sections and adding labels so that data sheets, tables, and plans can be easily cross-referenced. DEQ would like to set up a site visit to proposed mitigation site once more information is provided.

Additionally, it appears as though the proposed preservation areas associated with ST8 R1 and R2 and ST9 may be secondarily impacted by the construction of the landfill. Please explain how these reaches are appropriate as compensatory mitigation areas.

It also appears that the project will not control a contiguous segment of Muddy Creek and so makes the preservation of this area less desirable as compensation for this project. Please provide a justification for why this area should be used as compensatory mitigation or a plan to acquire a contiguous reach.

12. In accordance with 9 VAC 25-210-80 B 1.n, please provide a jurisdiction determination for the proposed PRM project area.
13. In accordance with 9 VAC 25-210-80 B 1.p, a permit application fee is required to complete the application. Once the proposed impact information has been determined, DEQ will notify you of the fee amount.

The 120-calendar day processing period for authorization of the VWP Individual Permit will not commence until you provide the above requested information. Please submit the information to my attention by July 5, 2021 so that DEQ can continue to process your application. Please be advised that upon receipt of the requested information, additional information may still be required for DEQ to reach a permit decision.

Please contact me by phone at (804) 527-5054 or by email at justin.brown@deq.virginia.gov if you have any questions or concerns regarding this request. Thank you for your cooperation in this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Brown', is written over a horizontal line.

Justin Brown, PWD
VWP Permit Writer

cc: Brent Johnson, KBJW – VIA EMAIL
Steven Vanderploeg, U.S. Army Corps of Engineers – VIA EMAIL